

The Honorable Barbara J. Rothstein

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

NORTHWEST ENVIRONMENTAL
ADVOCATES,

Plaintiff,

v.

UNITED STATES ENVIRONMENTAL
PROTECTION AGENCY, *et al.*

Defendants.

Case No. 2:21-cv-1637-BJR

**ORDER EXTENDING CASE
SCHEDULE**

Before the Court is a suit brought by Northwest Environmental Advocates alleging that the United States Environmental Protection Agency has failed to comply with a mandatory duty under the Clean Water Act regarding Total Maximum Daily Loads for certain types of water pollution in Puget Sound. The Court's July 1, 2024 order setting an initial litigation schedule established an October 1, 2024 deadline for Plaintiff to file, if necessary, a motion challenging the appropriateness or adequacy of EPA's administrative record. ECF 22. The Parties now jointly move to extend that deadline, as well as subsequent deadlines tied to it.

The Parties disagree about the scope of judicial review in this case. EPA's position is that

judicial review is limited to an administrative record, while Plaintiff's position is that the Court's review is not limited to such a record. EPA filed its administrative record for judicial review on August 21, 2024. ECF 27. The record contains over 30,000 pages of material. ECF 27-2 (record index). Plaintiffs are in the process of reviewing these materials, and have proposed that additional documents be added to the record, which the Agency is likewise reviewing.

The Parties request additional time to complete their review of these documents, and to consider whether they can resolve or narrow their disagreement over the scope of judicial review—thereby preserving the resources of the Court as well as the Parties. There is thus good reason to grant this extension.

ORDER

Based on the foregoing joint motion, and for good cause shown, it is hereby ordered that the litigation schedule below shall be in effect.

Action	Deadline
If necessary, NWEA's motion challenging the appropriateness or adequacy of EPA's record	December 13, 2024
EPA's response to NWEA's motion on the record	January 23, 2025
NWEA's reply	February 13, 2025
Parties to file a Combined Joint Proposed Case Plan, addressing the information required in the Court's Initial Scheduling order, including any outstanding evidentiary issues	Within 21 days of the Court's resolution of any motion challenging the appropriateness or adequacy of EPA's record or the Parties coming to a resolution on the appropriate scope of judicial review. If no such motion is filed, by January 10, 2025.

1 It is so ordered, this 1st day of October 2024.

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5 United States District Judge
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8 Respectfully submitted,

9 /s/ Alliston LaPlante

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